REMARKS

Forty-two claims are currently pending in the present Application. Claims 1-6, 8-26, and 28-42 currently stand rejected. Claims 7 and 27 are allowed. Claims 1-2, 5-6, 9-11, 19-20, 21-22, 5-6, 29-31, 39-40, and 41 are amended herein. In addition, new claims 43-49 are presented herein. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

Examiner's Response To Arguments

On page 3 of the Office Action, the Examiner maintains the previous rejections of claims 1 and 21. The Examiner initially concedes that "Dunton does not disclose responsively extracting still frames from said contiguous frame sequence at a selectable time interval . . . ." Applicants concur. The Examiner then points to Chen to purportedly remedy these deficiencies. In particular, the Examiner states that "[i]t would have been obvious . . . to employ the selectable time interval to be the same as the frame capture rate . . . so that there is no possible loss of captured data, as every frame is employed into generating the target image" (emphasis added).

Applicants respectfully disagree, and submit that the scenario suggested by the Examiner would render such a system inoperable. Applicants submit that utilizing "every frame" from a video camera to generate a composite image would require the camera to be moved at an impossibly-high rate of speed. For example, with a video camera zoomed-in to capture an area that is one-foot

across, and with a standard frame rate of thirty frames per second, the camera would need to be moved at a rate of nearly twenty miles per hour (or thirty feet per second) in order to produce contiguous frames.

Applicants therefore respectfully submit that Examiner's interpretation of Chen would render a corresponding system inoperable. In the current Response, in order to clarify and emphasize the foregoing points, Applicants have amended claims 1, 21, and 41 to recite "*said selectable time interval being greater than a standard video frame duration from said contiguous frame sequence.*" For at least the foregoing reasons, Applicants submit that claims 1, 21, and 41 are not unpatentable over the teaching of Dunton in view of Chen.

35 U.S.C. § 102(e)

On page 8 of the Office Action, the Examiner rejects claim 42 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,304,284 to Dunton et al. (hereafter Dunton). The Applicants respectfully traverse these rejections for at least the following reasons.

"For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference." *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Dunton fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

With regard to claim 42, "means-plus-function" language is utilized to recite elements and functionality similar to those recited in claims 1 and 21

which are further discussed below. Applicants therefore incorporate those remarks by reference with regard to claim 42. In addition, the Courts have frequently held that "means-plus-function" language, such as that of claim 42, should be construed in light of the Specification.

More specifically, means-plus-function claim elements should be *construed to cover the corresponding structure, material or acts described in the specification,* and equivalents thereof. Applicants respectfully submit that, in light of the substantial differences between the teachings of Dunton and Applicants' invention as disclosed in the Specification, claim 42 is therefore not anticipated or made obvious by the teachings of Dunton.

Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Dunton to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of independent claim 42, so that claim 42 may issue in a timely manner.

35 U.S.C. §103(a)

On page 8 of the Office Action, the Examiner rejects claims 1-4, 19-24, and 39-40 under 35 U.S.C. § 103(a) as being unpatentable over Dunton in view of U.S. Patent No. 6,552,744 to Chen (hereafter Chen). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that three basic criteria must be met, as set forth in M.P.E.P. §2142:

> "First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of independent claims 1 and 21, Applicants respond to the Examiner's §103 rejection as if applied to amended independent claims 1 and 21 which now recite a scanning manager *"extracting still frames from said contiguous frame sequence at a selectable time interval to represent said target object as said still image, said selectable time interval being greater than a standard video frame duration from said contiguous frame sequence"* (emphasis added), which are limitations that are not taught or suggested either by the cited references, or by the Examiner's citations thereto.

Dunton teaches a "camera system for generating panoramic images" in which a "processor reconstructs a single panoramic image from the recorded images using the recorded orientation information" (see Abstract). However, Applicants submit that Dunton nowhere teaches or suggests "extracting still

frames" from video data at a selectable time interval, as claimed by Applicants. Applicants therefore submit that the rejections of amended claims 1 and 21 are improper.

The Examiner concedes that "Dunton does not disclose responsively extracting still frames from said contiguous frame sequence . . . ." Applicants concur. The Examiner then points to Chen to purportedly support the rejections. Chen teaches creating a panoramic image by stitching together individual images. In particular, Chen cursorily mentions that "redundant frames are discarded during a stitching process." Applicants submit that neither Dunton nor Chen disclose *"extracting still frames from said contiguous frame sequence at a selectable time interval to represent said target object as said still image."* Applicants therefore submit that the rejections of claims 1 and 21 under 35 USC 103(a) are improper.

Regarding the Examiner's rejection of dependent claims 2-4, 19-20, 22-24, and 39-40, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 2-4, 19-20, 22-24, and 39-40, so that these claims may issue in a timely manner.

In addition, claims 2, 19, 20, 22, 39, and 40 have been amended herein to narrow the scope of the claimed subject matter. Applicants submit that amended

claims 2, 19, 20, 22, 39, and 40 now present additional limitations not taught in the cited references. For at least the foregoing reasons, the Applicants submit that claims 1-4, 19-24, and 39-40 are not unpatentable under 35 U.S.C. § 103 over Dunton in view of Chen, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 1-4, 19-24, and 39-40 under 35 U.S.C. § 103.

On page 11 of the Office Action, the Examiner rejects claims 5-6, 8-11, 14, 25-26, 28-31, and 34 under 35 U.S.C. § 103 as being unpatentable over Dunton in view of Chen, and further in view of U.S. Patent No. 5,497,188 to Kaye (hereafter Kaye). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Applicants respectfully traverse the Examiner's assertion that modification of the device of Dunton according to the teachings of Chen and Kaye would produce the claimed invention. Applicants submit that Dunton in combination with Chen and Kaye fail to teach a substantial number of the claimed elements of

the present invention. Furthermore, Applicants also submit that neither Dunton, Chen, nor Kaye contain teachings for combining the cited references to produce the Applicants' claimed invention. The Applicants therefore respectfully submit that the obviousness rejections under 35 U.S.C §103 are improper.

Regarding the Examiner's rejection of dependent claims 5-6, 8-11, 14, 25-26, 28-31, and 34, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 5-6, 8-11, 14, 25-26, 28-31, and 34, so that these claims may issue in a timely manner.

In addition, claims 5-6 and 9-11 have been amended herein to narrow the scope of the claimed subject matter. Applicants submit that amended claims 5-6 and 9-11 now present additional limitations not taught in the cited references. For example, Applicants submit that the cited references fail to teach a "keyframe format", as claimed by Applicants in claims 10 and 30.

For at least the foregoing reasons, the Applicants submit that claims 5-11, 14, 25-31, and 34 are not unpatentable under 35 U.S.C. § 103 over Dunton and Chen in view of Kaye, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and

withdrawal of the rejections of claims 5-6, 8-11, 14, 25-26, 28-31, and 34 under 35 U.S.C. § 103.

On page 14 of the Office Action, the Examiner rejects claims 12 and 32 under 35 U.S.C. § 103 as being unpatentable over Dunton, Chen, and Kaye in view of U.S. Patent No. 4,793,812 to Sussman et al. (hereafter Sussman). The Applicant respectfully traverses these rejections for at least the following reasons.

Applicant maintains that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 12 and 32, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 12 and 32, so that these claims may issue in a timely manner.

For at least the foregoing reasons, the Applicants submit that claims 12 and 32 are not unpatentable under 35 U.S.C. § 103 over the cited references, and

that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 12 and 32 under 35 U.S.C. § 103.

On page 15 of the Office Action, the Examiner rejects claims 13, 15-18, 33, and 35-38 under 35 U.S.C. § 103 as being unpatentable over Dunton, Chen, and Kaye in view of U.S. Patent No. 6,002,124 to Bohn et al. (hereafter Bohn). The Applicant respectfully traverses these rejections for at least the following reasons.

Applicant maintains that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 13, 15-18, 33, and 35-38, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 13, 15-18, 33, and 35-38, so that these claims may issue in a timely manner.

In addition, claims 19 and 39 have been amended herein to narrow the scope of the claimed subject matter. Applicants submit that amended claims 19 and 39 now present additional limitations not taught in the cited references. Furthermore, Applicants submit that the cited references fail to disclose the specific formulas recited in claims 13, 17, 33, and 37. Applicants also submit that the cited references fail to teach a system that "combines said video data in said overlap region", as claimed by Applicants in claims 18 and 38.

For at least the foregoing reasons, the Applicants submit that claims 13, 15-18, 33, and 35-38 are not unpatentable under 35 U.S.C. § 103 over Dunton, Chen, and Kaye in view of Bohn, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 13, 15-18, 33, and 35-38 under 35 U.S.C. § 103.

On page 17 of the Office Action, the Examiner rejects claim 41 under 35 U.S.C. § 103 as being unpatentable over Dunton, Chen, and Kaye in view of the U.S. Patent No. 6,177,957 to Anderson (hereafter Anderson). The Applicant respectfully traverses these rejections for at least the following reasons.

Applicant maintains that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie*

case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of independent claim 41, Applicants respond to the Examiner's §103 rejection as if applied to amended independent claim 41 which now recites a scanning manager *"extracting still frames from said contiguous frame sequence at a selectable time interval to represent said target object as said still image, said selectable time interval being greater than a standard video frame duration from said contiguous frame sequence,"* which are limitations that are not taught or suggested either by the cited references, or by the Examiner's citations thereto.

In the rejection of claim 41, the Examiner concedes that "neither Dunton, Chen, or Kaye teach the above steps taking the form of program instructions within a computer-readable medium." Applicants concur. The Examiner then cites Anderson to support the rejection of claim 41. The Court of Appeals for the Federal Circuit has held that "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination." In re Geiger, 815 F.2d 686, 688, 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987). Applicants submit that the cited references, do not suggest a combination that would result in Applicants' invention, and therefore the obviousness rejection under 35 U.S.C §103 is improper. Applicants therefore respectfully request the Examiner to indicate where an explicit teaching to combine all four of the cited references may be found. Alternately, the Applicants request that the Examiner reconsider and withdraw the rejection of claim 41 under 35 U.S.C §103.

New Claims

The Applicants herein submit additional claims 43-49 for consideration by the Examiner in the present Application. The new claims 43-49 recite specific detailed embodiments for implementation and utilization of Applicants' invention, as disclosed and discussed in the Specification. Applicants submit that newly-added claims 43-49 contain a number of limitations that are not taught or suggested in the cited references. For example, new claim 46 recites "*said selectable time interval extracts said still frames with a overlap area that is less than a quarter of a frame size of said still frames.*" Applicants therefore respectfully request the Examiner to consider and allow new claims 43-49, so that these claims may issue in a timely manner.

Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a). Because the cited references, or the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-6, 8-26, 28-49 so that the present Application may issue in a timely manner. If there are any questions concerning this amendment, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: 2/11/06

By: 

Gregory J. Koerner, Reg. No. 38,519
Redwood Patent Law
1291 E. Hillsdale Blvd., Suite 205
Foster City, California 94404
(650) 358-4000